

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

IN RE:
TRACEY GODFREY

Cause No. CV 25-76-M-DWM

ORDER

Godfrey has filed a Motion for Leave/Plain Error Review. (Doc. 1.) He asks this Court to apply the “miscarriage of justice exception” to allow for consideration of his challenge to the 60-year state sentence he is presently serving. (*Id.*)

Earlier this week Judge Christensen entered an order addressing Godfrey’s repetitive and abusive filings in this Court. *See, In Re Godfrey*, Cause No. CV 25-72-M-DLC, Ord. (D. Mont. May 28, 2025). Godfrey has filed seventeen prior challenges to his state sentence in this Court, to no avail. *Id.* at 1-2, f.n. 1. In Judge Christensen’s order, Godfrey was advised that, absent future filings being accompanied by an authorization from the Ninth Circuit permitting him to file a second and/or successive petition, no further filings challenging the 2013 state sentence, or the underlying judgment of conviction would be accepted. It is

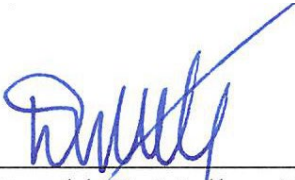
possible that Godfrey's present filing was sent to the Court prior to him receiving a copy of Judge Christensen's order. Accordingly, it is reiterated that unless accompanied by the requisite authorization from the Circuit, the Clerk is directed to discard any future filings Godfrey makes challenging his state sentence. Godfrey's consumption of the Court's time and resources must come to an end.

A certificate of appealability is denied because there is no doubt this Court lacks jurisdiction. Transfer to the Court of Appeals is not in the interest of justice. *See* 28 U.S.C. § 1631.

Accordingly, IT IS HEREBY ORDERED:

1. This matter is DISMISSED for lack of jurisdiction. The Clerk of Court shall enter, by separate document, a judgment of dismissal.
2. Unless Godfrey contemporaneously provides an authorization from the Ninth Circuit Court of Appeals permitting him to file a second/successive petition, the Clerk of Court is directed to accept no further filings from Godfrey challenging his 2013 state sentence, or the underlying judgment of conviction handed down in *State v. Godfrey*, Cause No. DC 99-114. If no authorization is provided, the Clerk is directed to discard future documents from Godfrey.
3. A certificate of appealability is DENIED.
4. This action is CLOSED. No further documents may be filed.

DATED this 3rd day of June, 2025.



Donald W. Molloy, District Judge
United States District Court

